UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
ELAHEE, MD S

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _03_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-68_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) _69 and 70_ is/are allowed.
6)☒ Claim(s) _1-68_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _08 January 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____ .
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   This action is responsive to an amendment filed 06/24/04. Claims 1-70 are pending.

Response to Arguments

2.   Applicant's arguments mailed on 06/24/04 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1, 2, 6, 7, 15, 18, 19, 20-22, 31, 32, 48-51, 55, 56, 67 and 68 are rejected under 35 U.S.C. 102(b) as being anticipated by Armanto et al. (U.S. Patent No. 6,094,587).

Regarding claims 1, 31 and 50, Armanto teaches a mobile station MS2 (i.e., telephony unit) to process telephony signals and to receive a signal indicating an incoming call over a wireless link, the signal including identifier (i.e., Caller-ID information) (fig.2; col.5, lines 9-17, 54-59, col.6, lines 12-20). (Note; mobile device receives and transmits short message during a call, which contains Caller-ID information display (see fig.3))

Armanto further teaches a PC (i.e., browser) to enable a user to access and navigate hypermedia information, and further to receive the identifier from the mobile station MS2 (i.e., telephony unit) in response to the incoming call and, in response to receiving the identifier, to

download short message, www page (i.e., execute a predetermined action) based on the identifier (fig.2; col.6, lines 12-27, col.15, lines 28-33).

Regarding claims 2, 32 and 51, Armanto teaches the browser looking up ring tone data previously associated with the Caller-ID information, and wherein the output device is caused to output a ring tone based on the ring tone data (col.6, lines 12-27, col.7, lines 32-47, col.8, lines 25-30). (Note; short message contains ringing tone which is downloaded from the server)

Regarding claims 6 and 55, Armanto teaches a memory to store a short message (i.e., local data structure), wherein the action comprises the browser looking up data of a predetermined type in the short message (col.6, lines 12-27, col.7, lines 5-16, 32-47, col.8, lines 25-30).

Regarding claims 7, 37, 41, 45 and 56, Armanto teaches the data comprising ring tone data (col.6, lines 12-27, col.7, lines 5-16, 32-47).

Regarding claims 18, 48 and 67, Armanto teaches the action comprising the browser signaling the telephony unit to initiate an outgoing call in response to the incoming call (col.5, line 54- col.6, line 27).

Regarding claims 19, 49 and 68, Armanto teaches that the incoming call originates from a source, the source having a telephone number, and wherein the outgoing call is placed inherently to a telephone number other than the telephone number of the source (col.5, line 54, col.6, line 27).

Regarding claim 20, Armanto teaches a communications interface to communicate voice and data with a server GTW (i.e., remote site) over a wireless network (fig.2; col.5, line 9-19, 54- col.6, line 27).

Armanto further teaches an output device to output a ring tone indicating an incoming telephone call from a caller (col.7, lines 5-16, 32-47, col.8, lines 25-34).

Armanto further teaches a memory of a PC inherently storing a browser to enable a user of the mobile station MS2 (i.e., mobile telephone) to access hypermedia information stored on a server GTW (i.e., remote processing system) via the wireless network and to navigate the hypermedia information (fig.2; col.6, lines 11- 27, col.15, lines 28-33).

Armanto further teaches a telephony unit of mobile station MS2 to process telephony signals, to receive a signal indicating the incoming telephone call, the signal including identifier (i.e., Caller-ID information), and to provide the identifier to the browser (col.5, lines 9-17, 54-59, col.6, lines 12-27, col.7, lines 32-47, col.8, lines 25-30).

Armanto further teaches that the browser uses the identifier to look up ring tone data previously associated with the caller and to provide the ring tone data to the telephony unit, such that the telephony unit causes the output device to output the ring tone based on the ring tone data provided by the browser (col.5, lines 54-59, col.6, lines 12-27, col.7, lines 32-47, col.8, lines 25-30).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 3, 28, 33 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Armanto et al. (U.S. Patent No. 6,094,587) and in view of Kredo (U.S. Patent No. 6,714,637).

Regarding claims 3, 28, 33 and 52, Armanto teaches that the incoming call originates

from a caller, wherein the caller is a member of a predefined group of callers, and wherein the

ring tone data represents a ring tone previously associated with the caller (col.5, lines 9-17, 54-

59, col.6, lines 12-20).

However, Armanto fails to teach "the caller is a member of a predefined group of callers,

and wherein the ring tone data represents a ring tone previously associated with the group".

Shnier teaches that the caller is a member of a predefined group of callers, and wherein the ring

tone data represents a ring tone previously associated with the group (col.3, lines 29-33, 42-56,

63-67, col.4, lines 1-6, col.5, lines 8-25). Thus, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Armanto to allow the caller as a

member of a predefined group of callers, and wherein the ring tone data represents a ring tone

previously associated with the group as taught by Shnier. The motivation for the modification is

to have doing so in order to provide distinctive ringing tone to a subscriber for an incoming call

from a caller of a predefined group of callers.

7.   Claims 4, 5, 29, 30, 34, 35, 53 and 54 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Armanto et al. (U.S. Patent No. 6,094,587) and in view of Shnier (U.S. Pub.

No. 2002/0009184).

Regarding claims 4, 29, 34 and 53, Armanto further teaches that the alert (i.e., ring tone)

has inherently an audible pattern previously associated specifically with the caller (pages 7, 8,

paragraphs 0059-0062, 0064, 0065).

However, Armanto fails to teach "the caller is a member of a predefined group of callers and the ring tone emulates a sound instrument previously associated with the group of callers". Shnier teaches that the caller is a member of a predefined group of callers and the ring tone emulates a sound instrument previously associated with the group of callers (fig.3; pages 3, 4, paragraphs 0027-0029, 0031). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Armanto to allow the caller being a member of a predefined group of callers and the ring tone emulating a sound instrument previously associated with the group of callers as taught by Shnier. The motivation for the modification is to have doing so in order to provide distinctive ringing to a caller of a predefined group of callers.

Regarding claims 5, 30, 35 and 54, Armanto fails to teach "the sound instrument is a musical instrument and the audible pattern is a melody". Shnier teaches that the sound instrument is a musical instrument and the ringing cadence (i.e., audible pattern) is inherently a melody (fig.3; page 3, paragraph 0027). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Armanto to allow the sound instrument being a musical instrument and the audible pattern being a melody as taught by Shnier. The motivation for the modification is to have doing so in order to provide melodious ringing to a caller.

8.   Claims 8, 26, 38, 46, 57 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armanto et al. (U.S. Patent No. 6,094,587) and in view of Ho et al. (U.S. Pub. No. 2002/0194352).

Regarding claims 8, 26, 38, 46, 57 and 65, Armanto fails to teach "the data is stored in a vCard". Ho teaches that the data is stored in a vCard (page 3, paragraph 0019). Thus, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify Armanto to allow the data being stored in a vCard as taught by Ho. The motivation for the modification is to have doing so in order to provide name and office telephone number.

9.   Claims 9, 27, 39, 47 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armanto et al. (U.S. Patent No. 6,094,587) and in view of Stephens (U.S. Pub. No. 2003/0023371).

Regarding claims 9, 39, 47 and 58, Armanto fails to teach "ring tone data stored in a vCard". Stephens teaches alert (i.e., ring tone) data stored in a vCard (page 3, paragraph 0019). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Armanto to allow ring tone data stored in a vCard as taught by Stephens. The motivation for the modification is to have doing so in order to provide the traveler with options to make selection.

Regarding claim 27 is rejected for the same reasons as discussed above with respect to claims 2 and 9.

10.   Claims 10, 11, 14, 15, 23-25, 40, 44, 59, 60, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armanto et al. (U.S. Patent No. 6,094,587) and in view of Fleming, III (U.S. Patent No. 6,697,484).

Regarding claims 10, 24, 40 and 59, Armanto fails to teach "the browser attempts to locate the data in the memory in response to receiving the Caller-ID information and, if the data is not found in the memory, the browser automatically attempts to obtain the data from a remote server via the wireless link during a subsequent data connection by the browser over the wireless link". Fleming teaches the browser attempting to locate the alphanumeric identifier (i.e., data) in

the memory in response to receiving the Caller-ID information and, if the alphanumeric identifier is not found in the memory, the browser automatically attempts to obtain the alphanumeric identifier from a remote computer (i.e., server) via the wireless link during a subsequent data connection by the browser over the wireless link (fig.1-fig.4; col.3, lines 54-65, col.4, lines 60-64, col.5, lines 12-27, col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Armanto to allow the browser attempts to locate the data in the memory in response to receiving the Caller-ID information and, if the data is not found in the memory, the browser automatically attempts to obtain the data from a remote server via the wireless link during a subsequent data connection by the browser over the wireless link as taught by Fleming. The motivation for the modification is to have doing so in order to retrieve the alphanumeric identifier associated with originator's telephone number via the wireless network.

Regarding claims 11, 15, 60 and 64 are rejected for the same reasons as discussed above with respect to claim 20.

Regarding claims 14, 44 and 63, Armanto teaches the browser obtaining data of a predetermined type from a third party network 409 (i.e., remote processing system) via the wireless link (fig.4; pages 7, 8, paragraphs 0059-0061, 0064-0066).

However, Armanto fails to teach "automatically updating the local data structure using the data obtained from the remote processing system". Fleming teaches automatically updating the local data structure using the alphanumeric identifier (i.e., data) obtained from the remote processing system (fig.1-fig.4; col.3, lines 54-65, col.4, lines 60-64, col.5, lines 12-27, col.6, lines 4-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Armanto to allow automatically updating the local data structure

using the data obtained from the remote processing system as taught by Fleming. The motivation

for the modification is to have doing so in order to retrieve the alphanumeric identifier associated

with originator's telephone number whenever needed.

Regarding claims 23 and 25 are rejected for the same reasons as discussed above with

respect to claim 14.

11.   Claims 12, 16, 42 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Armanto et al. (U.S. Patent No. 6,094,587) and in view of Fleming, III (U.S. Patent No.

6,697,484) and further in view of Ho et al. (U.S. Pub. No. 2002/0194352).

Regarding claims 12, 16, 42 and 61 are rejected for the same reasons as discussed above

with respect to claim 8.

12.   Claims 13, 17, 43, 62 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Armanto et al. (U.S. Patent No. 6,094,587) and in view of Fleming, III (U.S. Patent No.

6,697,484) and further in view of Stephens (U.S. Pub. No. 2003/0023371).

Regarding claims 13, 17, 43, 62 and 66 are rejected for the same reasons as discussed

above with respect to claim 9.

Reasons for Allowance

13.   Claims 69 and 70 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 69, Examiner's newly discovered references, Armanto and Hayashi fail

to teach if the ring tone data associated with the Caller-ID information of an incoming telephone

call is not stored in the contact database of the mobile telephone, then waiting to establish a data

connection with a remote server via the wireless network, and after establishing the data connection, automatically requesting the ring tone data from the remote server via the wireless network, receiving the ring tone data via the wireless network, and storing the ring tone data in the contact database in association with the Caller-ID information. Claim 70 is dependent on claim 69.

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hayashi (U.S. Pub. No. 2001/0024965) teach Mobile communication terminal and ringing method thereof, Lin et al. (U.S. Patent No. 6,366,791) teach System and method for providing a musical ringing tone on mobile stations, Cooper et al. (U.S. Patent No. 6,052,442) teach Internet answering machine, Bar et al. (U.S. Patent No. 6,456,852) teach Internet distributed real-time wireless location database and Yoon (U.S. Pub. No. 2002/0052224) teach Method for editing terminating ring tone in a mobile wireless terminal.

15.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

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